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U.S. House of Representatives Establishes Select Committee on Strategic Competition with China

On January 10, 2023, the House of Representatives passed H.Res. 11 establishing the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party (the “Select Committee”).¹ The resolution passed with widespread bipartisan support by a vote of 365–65.

Although the Select Committee is still in its early days, its broad mandate and significant investigative authorities all but ensure that many private entities will be subject to investigation, particularly companies doing business in or with China. We also expect that the Select Committee’s work may also intersect with companies and other entities that have an indirect business relationship or nexus with China.

Rep. Mike Gallagher’s (R-WI) will chair the Select Committee. Gallagher also recently co-chaired the Cyberspace Solarium Commission, a bicameral panel that made far-reaching recommendations, some of which have been enacted into law.²

The Select Committee will consist of 16 Members, nine Republicans and seven Democrats. While Speaker McCarthy (R-CA) announced the Select Committee’s Republican Members on January 23rd, House Democrats have not yet proposed their Select Committee roster.³

AREAS OF FOCUS

Although the Select Committee’s agenda is still developing, public statements make clear that private sector interactions with China will be an area of scrutiny. We expect the Select Committee’s topics to include:

- U.S. dependence on China for critical supply chains, particularly with respect to information technology or to pursue climate change goals;
- Chinese government efforts at trade secret theft, including through hacking, and U.S. industry responses;



- U.S. foreign investment or private sector technology partnerships in China that could have adverse national security or human rights consequences; and
- China's foreign interference and influence campaigns, including via U.S. academic institutions.⁴

INVESTIGATIVE POWERS AND MANDATE

The Select Committee has the power to issue subpoenas and is empowered to hold public hearings in connection with its investigative functions.⁵ In addition, the Select Committee will have extraordinary authority, as the only committee other than the Permanent Select Committee on Intelligence, to obtain access to classified information, including intelligence sources and methods.⁶

The Select Committee is authorized to issue interim reports and provide policy recommendations "as it may deem advisable," and at the conclusion of the 118th Congress, it is required to issue final reports of its findings to the House.⁷

CONCLUSION

Responding to a Congressional inquiry involves unique challenges that differ from litigating or navigating a regulatory action. Monitoring the Select Committee's priorities and developing areas of focus during the 118th Congress can help private sector stakeholders be prepared for when congressional attention shifts in their direction. To that end, companies and entities with potential touchpoints with China should anticipate and assess areas of potential oversight and take appropriate steps to prepare for and mitigate open issues in advance of such inquiries.

Perennially recognized by Chambers USA, King & Spalding's Congressional Investigations practice is uniquely positioned to help clients understand and mitigate significant legal, reputational, and political risks associated with congressional inquiries and hearings. Likewise, King & Spalding's National Security and Corporate Espionage practice has unparalleled experience at the most senior levels of government and an unmatched understanding of the current cyber, espionage, and national security risk and regulatory landscape.

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¹ H.Res. 11 (118th Cong. 2023), available [here](#).

² The Cyberspace Solarium Commission, which formally dissolved on December 21, 2022, made over 100 recommendations for improving the United States' cyber footing. Among other successes, the Commission persuaded Congress to create the Office of the National Cyber Director and to significantly expand the mandate of the Cybersecurity and Infrastructure Security Agency. See Eric Geller, *POLITICO Pro Q&A: Cyberspace Solarium Commission Co-Chairs Sen. Angus King and Rep. Mike Gallagher on the Group's Legacy*, *POLITICO* (Jan. 6, 2023), available [here](#).

³ Press Release, Office of the Speaker of the House, *Kevin McCarthy Speaker McCarthy Announces Members Appointed to Intel, China, and Rules Committees* (Jan. 23, 2023), available [here](#).

⁴ See Briana Reilly, *Chairman Gallagher outlines China committee's agenda*, *ROLL CALL* (Jan. 24, 2023), available [here](#); Lauren Sforza, *China panel chair wants testimony from Disney and Big Tech executives, NBA commissioner*, *THE HILL* (Jan. 11, 2023), available [here](#); Mike Gallagher, *The Sources of CCP Conduct*, *THE AMERICAN INTEREST* (May 9, 2019), available [here](#).

⁵ H.Res. 11, § b(2).

⁶ *Id.* § c(1).

⁷ *Id.* § e.